

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

LIBERTARIAN PARTY OF VIRGINIA
and DARRYL BONNER,

Plaintiffs.

vs.

CIVIL ACTION NO.
3:12-cv-367

CHARLES JUDD, KIMBERLY BOWERS,
and DON PALMER, in their official
capacities as members of the
Virginia State Board of Elections,

Defendants.

DEPOSITION OF DARRYL BONNER

June 13, 2012

1:50 p.m.

Taken at:

OFFICE OF THE ATTORNEY GENERAL

900 East Main Street

Richmond, Virginia 23219

REPORTED BY: Lisa M. Blair, RPR

COOK & WILEY, INC.

Registered Professional Reporters

3751 Westerre Parkway, Suite D-1

Richmond, Virginia 23233

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1 DARRYL BONNER, the Plaintiff, called
2 by the Defendant, first being duly sworn, testified as
3 follows:

4
5 EXAMINATION BY MR. GETCHELL:

6
7 Q. Please state your full name.

8 A. Darryl Bruce Bonner.

9 Q. And where do you reside?

10 A. 6151 Bridge Street, Philadelphia,
11 Pennsylvania, 19111.

12 Q. And what's your date of birth?

13 A. September 16th, 1964.

14 Q. And what is your occupation?

15 A. I'm self-employed, professional
16 circulator, canvasser.

17 Q. Please describe for me your educational
18 background.

19 A. I graduated from high school in Chicago,
20 Lincoln Park High School. I attended Northeastern
21 Christian Junior College right before transferring to
22 Tennessee State University in Nashville, Tennessee.

23 Q. And did you graduate from college?

24 A. No, I did not.

25 Q. What was your last year of attendance?

1 A. I would say '88 -- 1988.

2 Q. Now, after -- beginning in 1988, what
3 were your work experiences?

4 A. I worked at Philadelphia Coca-Cola.

5 Q. For how long?

6 A. Five years.

7 Q. So that would be about 1993?

8 A. I would say around that time -- '92. I'm
9 sorry, '92.

10 Q. Okay. And then what was your next
11 occupation?

12 A. I started working on petition drives
13 around '92.

14 Q. And how did you get involved in that?

15 A. My uncle. My uncle introduced me to the
16 business. He started out working with the Libertarian
17 Party. And from there, I just enjoyed it, the travel
18 and all.

19 Q. Okay. So how long had he been doing
20 that?

21 A. My uncle? I would say since '88.

22 Q. And he was headquartered in Philadelphia,
23 was he?

24 A. He was.

25 Q. And is he still actively involved with

1 the business?

2 A. Yes.

3 Q. What is the name of the business?

4 A. Central Petition Management.

5 Q. And is that incorporated?

6 A. Yes.

7 Q. And what is your position with the
8 corporation?

9 A. I'm the CEO. It's my own company.

10 Q. And does your uncle have a separate
11 company?

12 A. He -- no, he doesn't have a company. My
13 uncle doesn't have a company.

14 Q. Does he still work with you?

15 A. He works with me. Uh-huh (affirmative).

16 Q. Your first experience with circulation
17 would have been in about 1993?

18 A. Right.

19 Q. Do you know -- what jurisdictions did you
20 do that year?

21 A. Pennsylvania, Virginia and New York.

22 Q. Now, does Pennsylvania have a residency
23 requirement for petition witnesses?

24 A. It does.

25 Q. And who did you work for in Pennsylvania

1 A. That was Ross Perot.

2 Q. Ross Perot.

3 A. Or the Reform Party.

4 Q. Right. Who contacted you, or who did you
5 contact to get the engagement with Ross Perot?

6 A. That was a gentleman named Carl Towe.
7 The name of his company is called Stars & Stripes.
8 He's based out of Modesto, California.

9 Q. And he is a bigger version of you?

10 A. Yes. He's a main coordinator.

11 Q. Okay. And how would you distinguish your
12 operation from the operation of a main coordinator?

13 A. Well, the main coordinator -- such as
14 Carl Towe -- he can employ hundreds of people. I was
15 only -- I was employed only as a circulator, not a
16 coordinator.

17 Q. Does South Carolina have a residency
18 requirement?

19 A. No.

20 Q. Do you recall what the financial
21 arrangements were in 1996 in South Carolina? How were
22 you paid?

23 A. I was paid by the signature.

24 Q. Do you recall what the going rate was in
25 '96?

1 A. \$2.

2 Q. Did they pay your expenses,
3 transportation?

4 A. Yes. Yes.

5 Q. Were these earlier ones done in
6 association with a coordinator, central coordinator?

7 A. Yes. You mean during that time frame,
8 the year, '96?

9 Q. The previous, '95 and '94 and '93?

10 A. Right. I worked through someone.

11 Q. Okay. Do you remember who they were?
12 Was it always the same one?

13 A. The Libertarian Party. In '96, again, I
14 worked with Carl Towe with the Reform Party. And with
15 the ballot initiatives I would work through a petition
16 company.

17 Q. Do you remember what it's called?

18 A. Yes. The main company from California
19 was PCI, Progressive Campaigns; APC, known as Arno
20 Political Consultants; and Kimball. Kimball is about
21 the oldest one, Kimball Petition Management.

22 Q. Now, Illinois, was that also Ross Perot?

23 A. Yes.

24 Q. Pennsylvania?

25 A. Pennsylvania also, yes.

1 A. Yes.

2 Q. Tell me how you go about gathering
3 signatures for, let's say, a ballot initiative for
4 petition.

5 A. I would approach you and ask you -- let's
6 say, for instance, we're here in Virginia -- good
7 morning or good afternoon, whatever the time frame is.
8 Are you a registered voter of Virginia? And if you
9 would answer yes, I would say, Would you like to take
10 a moment and sign my petition? What is the petition
11 about? Would you like to sign a petition to place,
12 let's say, whatever the topic is on the ballot just so
13 it could be considered to be voted on.

14 Q. And is that pretty much the extent of the
15 interaction?

16 A. Uh-huh (affirmative). If it's for a
17 political party, the same way. Would you like to sign
18 a petition just to place the Libertarian Party on the
19 ballot? This is only for ballot access purposes. And
20 I inform them you get nothing in the mail.

21 Q. All right. In 1997, do you remember in
22 that cycle who you worked for?

23 A. Basically for the same parties. I did
24 some petitioning in California, Washington state,
25 Oregon.

1 Q. And these are all ballot initiatives?

2 A. Uh-huh (affirmative). I don't think we
3 did any petitioning too much for the -- for
4 Libertarian too much. I'm just thinking back. That
5 particular year, I don't think so.

6 Q. Do they have registration by party in
7 Pennsylvania?

8 A. Do they have registration by party? I
9 believe so.

10 Q. And you're still a registered voter of
11 Pennsylvania?

12 A. No. Actually, New York.

13 Q. When did you move to New York?

14 A. About four years ago. I just changed my
15 residency there about four years ago. Philadelphia is
16 where my mother's address is, 6151 Bridge Street
17 address. So I'm there most of the time. My
18 girlfriend lives in New York.

19 Q. But you have now transferred your
20 residency to New York?

21 A. Yes.

22 Q. About the time of the last presidential
23 election?

24 A. The last presidential election, yes.

25 Q. And are you registered with any party?

1 A. I'm registered as a Libertarian in New
2 York.

3 Q. 1998, do you recall where you were
4 engaged to work?

5 A. I think that was a presidential year. I
6 was employed by the Libertarian Party in '98.

7 Q. Okay. Well, let's see. '98 would not
8 have been a presidential year.

9 A. Oh, wait a minute. Maybe gubernatorial.

10 Q. It depends on the state. Do you recall
11 what states you worked in in '98?

12 A. The gubernatorial -- the governors'
13 races, it would have had to have been New York --
14 because mainly I stay east when it's a governor's race
15 -- New York, Pennsylvania. To my knowledge, that's
16 about it.

17 Q. And up to this point, you had been
18 successful in every ballot initiative you had worked
19 in?

20 A. Yes.

21 Q. Were other people working at the same
22 time in these -- up to this point, or were you wholly
23 solo in getting these things on the ballot?

24 A. During the '90s, I was solo.

25 Q. So you were doing it all by yourself

1 without anybody else being in the field?

2 A. No, except if I had to have a witness.

3 That's it.

4 Q. Okay. All right. Well, let's look at
5 1999. Do you remember where you went in 1999?

6 A. Not offhand. I don't think there was
7 much work in '99, to my --

8 Q. What do you do other than ballot access
9 and initiative petitions?

10 A. I work in the film industry.

11 Q. Okay. What do you do?

12 A. A friend of mine, he has his own
13 production company called II Jam Casting. I've worked
14 on movies such as Space Jam. I work with Nigel with
15 Nike commercial shoots.

16 Q. Is that where you principally get your
17 income?

18 A. Saving my money. If I work a major
19 ballot drive, most of the time I'll just save my
20 money. In case work does gap off, I have money left
21 over from a drive that I can live off of.

22 Q. Can you estimate about what your income
23 is a year in ballot access work?

24 A. It can vary. I would say anywhere from
25 60,000 to -- one good year that I did have, I made

1 over 100,000.

2 Q. And can you estimate as to how much you
3 make in the film industry?

4 A. One year I made about close to 45,000
5 just as an assistant to Nigel.

6 Q. And when did that relationship begin?

7 A. I met Nigel back in '96. And we worked
8 on a film called Rebound.

9 Q. Do you have any other sources of income
10 or employment?

11 A. No.

12 Q. All right. Well, 2000 was a presidential
13 year. So do you recall where you worked that year?

14 A. I worked a lot of states that year as
15 well. I was in -- from the midwest to the east, and I
16 also did ballot initiatives on the west coast. They
17 had a lot of issues on the west coast that year. I'm
18 trying to think. I think we may have had maybe 11
19 propositions in California that year. It was
20 presidential.

21 Q. Up to that point you had not worked in
22 Virginia?

23 A. No.

24 Q. And you didn't work in Virginia in 2000?

25 A. No, I did not.

1 Q. Do you recall which states in 2000 you
2 worked in that did have residency requirements for
3 witnesses?

4 A. New York is one of them again. I believe
5 in Connecticut, Arizona. And to my knowledge, the
6 residency requirements, that's basically about it.

7 Q. Okay. And in those states did you just
8 have somebody assigned to you to be a witness?

9 A. Yes.

10 Q. And does having somebody assigned to you
11 to be a witness change the way you approach a
12 prospective petition signer?

13 A. No. I would approach the petition signer
14 in the same format.

15 Q. All right. 2001, can you recall what you
16 did that year?

17 A. Petition-wise, I can't really remember,
18 but I know I worked with Nigel on some films.

19 Q. All right. Except for -- except for
20 places like Virginia and New Jersey, 2001 was pretty
21 much an off year?

22 A. Pretty much.

23 Q. 2002, on the other hand, would have been
24 a more active year. Do you recall where you went in
25 2002?

1 A. If it was the governors' races, again,
2 the same -- whatever states they needed to get on the
3 ballot for governor. I'm thinking back. I can't
4 quite remember all the places that I've been to,
5 because sometimes I may even go somewhere and stay two
6 weeks, and then I'll leave. They may send me
7 somewhere where they really need the help at. A
8 number of states may even actually have high signature
9 requirements. I'm trying to think. It may have been
10 Nebraska. But again, that's just -- that's just all a
11 guess. That year, just thinking back on that, I
12 believe Pennsylvania may have been one too.
13 Pennsylvania was a governor's race. I think Ed
14 Rendell was running for -- yeah, I think Ed Rendell
15 was running for governor that year too.

16 Q. Does Nebraska have a residency
17 requirement for witnesses?

18 A. No.

19 Q. Now, when you were assigned somebody as a
20 witness in states that had residency requirements, did
21 you pay those witnesses?

22 A. No.

23 Q. Do you know whether the Libertarian Party
24 or Ross Perot paid them?

25 A. They paid them. They took care of it.

1 Q. All right. How about 2003?

2 A. Was that a presidential or a governor's?

3 Q. No. 2004 would have been presidential.

4 A. 2004, okay. 2003 may have been an off
5 year.

6 Q. Worked in the film industry?

7 A. Uh-huh (affirmative). And sometimes I
8 work outside the United States. I'm working in
9 Belize.

10 Q. Oh, okay. Tell me about that.

11 A. Belize? Well, Nigel Miguel is the film
12 commissioner in Belize. So a lot of times he'll get
13 film work in Belize, his own country, because it's
14 much cheaper to operate in Belize as opposed to
15 Los Angeles.

16 Q. 2004, of course, is a presidential year.
17 So tell me about your activities that year.

18 A. I worked the east coast; again, the same
19 states: Pennsylvania, New York. Let's see. I'm just
20 thinking back on the different states that I've been
21 to. I did work the midwest, Illinois. I did some
22 petitioning in California and again in Washington
23 state. Washington state had a lot of initiatives that
24 year. I remember the one in particular they had about
25 a lot of healthcare, different healthcare agendas.

1 Q. All right. Now, up to this time, you
2 still hadn't worked in Virginia?

3 A. No. I think -- the only time I worked in
4 Virginia I remember was when the Libertarians had --
5 it was a political director, Ron Crickenberger. I
6 just don't have no recollection of the year. He was
7 running for Congress in Falls Church, Virginia. And
8 then there was another candidate that was trying to
9 get on in Petersburg.

10 Q. Do you remember his name?

11 A. I can't remember the name offhand.

12 Q. Okay. Now, up until 2004, had you been
13 successful in every campaign?

14 A. Yes.

15 Q. And when you did the work for
16 Crickenberger, were you successful in getting him on
17 the ballot?

18 A. Yes.

19 Q. And how about the fellow in Petersburg?

20 A. Yes.

21 Q. And again the Libertarians arranged to
22 have a witness for you?

23 A. Well, Ron Crickenberger's wife was my
24 witness, Sue. She was my wife -- I mean, she was my
25 witness, I'm sorry. And I forgot the woman's name in

1 Petersburg who was my witness.

2 Q. How about 2005?

3 A. That may have been an off year.

4 Q. It is.

5 A. That may have been an off year. I don't
6 think there was much campaigns going on in 2005.

7 Q. So you think you were again doing the
8 film industry?

9 A. Right.

10 Q. Now, 2006 do you recall where you went,
11 who you worked for in 2006?

12 A. And that was a governor's race?

13 Q. Well, it would have been Congressional
14 midterm elections, and some governors would have been
15 up.

16 A. Right. The west coast may have ran
17 some -- I don't know the topics they ran. I know I
18 was in Oregon for a good period of time doing
19 petitions out there.

20 Q. Okay.

21 A. And also Arizona.

22 Q. All right. Which, again, is a residency
23 state?

24 A. Right.

25 Q. Okay.

1 A. I'm thinking back. And again, Michigan,
2 something was going on in Michigan. I just hope
3 that's the year.

4 Q. Okay. And --

5 A. Michigan was for LP. Michigan, I think
6 it was LP. It was a gentleman in West Bloomfield that
7 was trying to get on the ballot.

8 Q. Congressional race?

9 A. Yes.

10 Q. Okay. And you were successful in every
11 campaign that year?

12 A. Yes.

13 Q. 2007?

14 A. 2007, I really can't recall. I'm trying
15 to think. 2007, yeah, that may have been an off year.
16 I think 2008 was presidential.

17 Q. It was.

18 A. Yeah, 2008.

19 Q. Now, 2008 is about the time you moved to
20 New York -- moved your residency to New York?

21 A. Right.

22 Q. Did you do that in time to vote in New
23 York in the presidential election?

24 A. I did.

25 Q. Do you remember where you worked in 2008?

1 A. 2008, I did work New York. I did some
2 petitioning in California, Illinois, Connecticut,
3 Massachusetts. Bear with me. I'm just going down the
4 east coast.

5 Q. Sure. Take your time.

6 A. 2008. And I believe that's when -- 2008,
7 I was in Virginia.

8 Q. Okay.

9 A. I was here. I was here in Richmond.

10 Q. Crickenberger?

11 A. No. That was -- 2008, that was -- what
12 was that guy's name from the Green Party? Nader.

13 Q. Okay. So you were doing work for the
14 Green Party in 2008?

15 A. Uh-huh (affirmative). Right. And also I
16 helped the Libertarian Party out as well. But in
17 Virginia it was strictly -- it was Green Party, and
18 Nader was the candidate.

19 Q. So as of 2008, you had been in Virginia
20 working for the Green Party once. Did you have the
21 same financial arrangements with them?

22 A. They paid me, but they made the
23 arrangements. They paid for the witnesses. In fact,
24 they had some of their volunteers, their party
25 members, who were our witnesses. The party members

1 would meet us at the hotel.

2 Q. Now, you say "us." Were there other
3 people working on that campaign?

4 A. There were other people working on that
5 campaign as well.

6 Q. Do you know who they were?

7 A. I knew a couple of the people that came
8 down. They were from Philadelphia that came down as
9 well. Do you want their names specifically?

10 Q. If you remember.

11 A. Olynthia Jackson, Renaldo -- I can't
12 think of Renaldo's last name offhand. There was
13 another young lady that came down as well, Mary
14 Dunham.

15 Q. Now, your contact with the Green Party,
16 was that through a coordinator?

17 A. Christina Tobin.

18 Q. And who was she?

19 A. Christina Tobin was an assistant to Ralph
20 Nader.

21 Q. Okay. Do you know how they found you or
22 you found them?

23 A. Well, she was -- I met her in
24 Pennsylvania. It was prior to coming to Virginia. I
25 was introduced to her by a gentleman named Sean Haugh,

1 A. He's a party member. He's a volunteer.

2 Q. All right. 2011, do you recall what you
3 did that year?

4 A. Let's see. A couple of states -- oh,
5 North Carolina.

6 Q. Okay. 2011, North Carolina?

7 A. North Carolina.

8 Q. Libertarian Party again?

9 A. Libertarian Party, yep.

10 Q. And do they have a residency requirement?

11 A. No.

12 Q. All right. And, of course, now we've
13 reached 2012. Where are you working this cycle?

14 A. This cycle I'm coordinating. I'm not
15 circulating. I'm coordinating Pennsylvania. I can't
16 do too much petitioning right now because of my right
17 knee. I have to get surgery on my right knee.

18 Q. I'm sorry you're hurt. So you're
19 coordinating in Pennsylvania for the Libertarian
20 Party?

21 A. Yes.

22 Q. And what is your relationship with
23 Virginia this year?

24 A. I haven't petitioned in Virginia this
25 year.

1 Q. You have not?

2 A. I have not.

3 Q. And you don't plan to?

4 A. No.

5 Q. Are you coordinating in Virginia?

6 A. No.

7 Q. Now, up until this time, you've been

8 successful in every campaign?

9 A. Yes.

10 MR. GETCHELL: Let's take a short break. I
11 want to review the interrogatory answers, and then I'm
12 probably done.

13 MS. O'CONNOR: Okay.

14 (Off-the-record discussion).

15 MR. GETCHELL: That's all the questions I
16 have.

17

18 EXAMINATION BY MS. O'CONNOR:

19

20 Q. I would just ask one question to clarify.

21 Earlier when you were talking about which campaigns

22 you were working on each year, you were asked whether

23 you did these yourself, whether you were working solo.

24 I just wanted to clarify: Does that mean there were

25 other people in the field collecting signatures, or